

March 8, 2012

MEMORANDUM

TO: Legal Ethical Workgroup
Dan O’Hair, Co-Chair
Sharon Turner
Kim Wilson

FROM: Sub-Committee on Revisions to Ethical Principles and Code of Conduct
T. Lynn Williamson, Chair
Terry Allen
Sandy Bell
Brett Short

RE: Recommendations

I. The Sub-Committee recommends that Section GR I.D. of Governing Regulation I become a separate Governing Regulation. GR I is entitled “The University of Kentucky (Definition)”. Most of this regulation relates to the legal, statutory definition of the University, its statutory organization and responsibilities. The section (GR I.C.) on the Vision, Values and Mission of the University is closely related. Ethical Principles and Code of Conduct (hereinafter Ethical Principles) is in this section on the definition of the University. While it is easy to understand that Ethical Principles is so important that it should be in the first GR, that logic loses some credibility because Ethical Principles is so unrelated to the other sections in GR I.

This Sub-Committee feels that a more powerful statement would be made if Ethical Principles were a separate Governing Regulation. Perhaps, Ethical Principles should be GR II. Further, having Ethical Principles as its own separate governing regulation elevates the importance of the University’s ethical principles. Additionally, it is easier to find a regulation named solely for the topic contained therein.

II. The Sub-Committee recommendations as to revisions of Ethical Principles are broken down into four categories, as follows: (A) New language in new sections, (B)

Updating, rewriting of existing section, (C) Reorganization, and (D) Relatively minor word changes and additional language.

(A). The Sub-Committee proposes adding four new sections to Ethical Principles. These sections were commonly found in the ethics code of other institutions. In addition, those who work with Ethical Principles on a regular basis felt that these non-existent sections were basic flaws in the existing document. New sections include the following:

1. Financial Responsibilities: This section places in the Governing Regulation many of the principles that have recently been added to the Business Procedures Manual as a result of advocacy of the Office of the Treasurer. The language makes it clear that University members are to be responsible stewards of the financial resources of the University.

2. Compliance Responsibilities: This section affirms University members' responsibility to comply with all regulations, and state and Federal laws. It affirms a compliance and ethical culture at the University.

3. Truth, Honesty, and Integrity: This section is the "do what is right" section. It affirms the University's commitment to University members being truthful and honest and acting with integrity.

4. Ensuring Compliance (whistle blower) Responsibilities: This section places University members on notice that they are expected to act with good faith and report wrong-doing and actions that are not in compliance with the law, University regulations, policies and standards. It also clarifies that persons who make good faith reports will not be subject to retaliation.

(B) 1. Section (a) "Nondiscrimination Policy" of this regulation needed updating. It has been revised to be consistent with other UK regulations and reflect the latest language in Federal laws and regulations.

2. A sentence in Section (e) "Sexual Harassment" clarifies that sexual harassment charges against others who are not UK employees/students will be investigated and appropriate action will be taken.

3. Revisions to Section (l) "University Resources" clarify the principle that University members should act to prevent waste and abuse and promote efficient operations of the University.

(C) 1. The section on "Civic Responsibilities of the Individual" that was elsewhere in GR I has been moved to Ethical Principles. The language and nature of this section is consistent with the principles contained in Ethical Principles. Logically, the Sub-

Committee believes that this section should be a part of Ethical Principles and should not be a separate section in GR I.

2. Sections on “University Resources” and on “Financial Advantage” were moved to be with other similar subject sections. Hopefully, the more logical arrangement of materials will make the subjects of sections easier to find.

(D) Minor word/language changes were made to clarify, make consistent with other GR language, and reference correct other materials.

A red-lined version showing all of these changes follows. Of course, the Sub-Committee recommends that these draft revisions be vetted through the usual process for revision of the Governing Regulations. This vetting would include review by the GR Review Committee, the University Senate, and the Staff Senate.